

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STATE OF UTAH,
STATE OF TEXAS,
STATE OF ALABAMA,
STATE OF ARKANSAS,
STATE OF IDAHO,
STATE OF INDIANA,
STATE OF IOWA
STATE OF KANSAS,
STATE OF LOUISIANA,
STATE OF MISSOURI,
STATE OF MONTANA,
STATE OF NEBRASKA,
STATE OF SOUTH CAROLINA,
STATE OF TENNESSEE,
STATE OF WEST VIRGINIA, and
NATIONAL ASSOCIATION OF HOME BUILDERS
OF THE UNITED STATES,

Plaintiffs,

v.

SCOTT TURNER, in his official capacity as
Secretary of Housing and Urban Development;
U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT; BROOKE ROLLINS, in her
official capacity as Secretary of Agriculture; U.S.
DEPARTMENT OF AGRICULTURE,

Defendants.

No. 6:25-cv-1

**TEXAS, UTAH, NAHB, HUD, and USDA's
JOINT NOTICE OF ADDITIONAL AUTHORITIES**

Plaintiffs Texas, Utah, and NAHB and Defendants HUD and USDA jointly submit this notice of additional authorities that may be relevant to the Court's July 9, 2025, hearing, and they respectfully move for leave to file same.

1. On July 7, 2025, Defendants HUD and USDA published a Notice for Comment, 90 Fed. Reg. 29,882, attached hereto as Exhibit A.

2. On June 27, 2025, the Supreme Court issued its opinion in *FCC v. Consumers' Research*, Nos. 24-354 and 24-422, 2025 U.S. LEXIS 2498, attached hereto as Exhibit B.

Dated: July 8, 2025

YAAKOV M. ROTH
Acting Assistant Attorney General
Civil Division

LESLEY FARBY
Deputy Branch Director

JAY R. COMBS
Acting United States Attorney

/s/ James G. Gillingham
JAMES G. GILLINGHAM (TSB 24055295)
Assistant United States Attorney
james.gillingham@usdoj.gov
110 N. College, Suite 700
Tyler, TX 75702
Tel. (903) 590-1400
Fax (903) 590-1436

Counsel for Defendants HUD and USDA

/s/ Joseph S. St. John
JOSEPH S. ST. JOHN (LSB 36682)
ST. JOHN LLC
1701 Jefferson Avenue
New Orleans, LA 70115
Tel. (410) 212-3475
scott@stjohnlaw.com

*Counsel for National Association
of Home Builders of the United States*

KEN PAXTON
ATTORNEY GENERAL OF TEXAS

BRENT WEBSTER
First Assistant Attorney General

/s/ Ryan G. Kercher
RYAN G. KERCHER (TSB 24060998)
Chief Special Litigation Division
ZACHARY BERG (TSB 24107706)
Special Counsel
OFFICE OF THE ATTORNEY GENERAL
OF TEXAS
Special Litigation Division
P.O. Box 12548, Capitol Station
Austin, TX 78711-2548
Tel. (512) 463-2100
Ryan.Kercher@oag.texas.gov
Zachary.Berg@oag.texas.gov

Counsel for State of Texas

DEREK BROWN
ATTORNEY GENERAL OF UTAH

/s/ Stanford E. Purser
STANFORD E. PURSER (USB 13440)
Solicitor General
OFFICE OF THE UTAH
ATTORNEY GENERAL
160 E. 300 S., 5th floor
Salt Lake City, Utah 84111
Tel. (801) 366-0100
spurser@agutah.gov

Counsel for State of Utah